

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE TARIFF FILING OF NORTHERN KENTUCKY)
WATER DISTRICT TO AMEND ITS CROSS-) CASE NO. 2004-00309
CONNECTION CONTROL POLICY)

ORDER

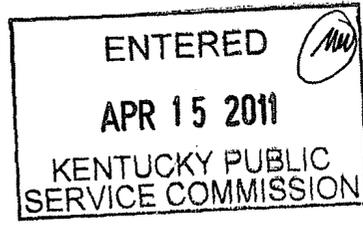
Northern Kentucky Water District (“NKWD”) has moved for an extension of time in which to file its revised tariff sheets in compliance with the Commission’s Order of July 12, 2006. In support of its motion, it states that NKWD’s Board of Commissioners is unable to review and approve the revised tariff sheets as the next scheduled meeting of that Board will not be held until April 21, 2011.¹

Having considered the motion and finding adequate cause exists, the Commission HEREBY ORDERS that:

1. NKWD’s Motion for Extension is granted.
2. NKWD shall file with the Commission no later than May 20, 2011 revised tariff sheets containing a cross-connection policy that conforms to the Commission’s Order of June 17, 2003.

¹ In our Order of July 12, 2006, we directed that NKWD file revised tariff sheets containing a cross-connection policy that conforms to the Commission’s Order of June 17, 2003 within 30 days. NKWD brought an action for review of this Order. Franklin Circuit Court and the Kentucky Court of Appeals affirmed our Order. *Northern Kentucky Water Dist. v. Pub. Serv. Comm’n*, No. 06-CI-01121 (Franklin Cir. Ct. Nov. 11, 2008), *aff’d* No. 2008-CA-002284-MR (Ky. Ct. App. Dec. 11, 2009). On March 16, 2011, the Kentucky Supreme Court denied NKWD’s Motion for Discretionary review of the Kentucky Court of Appeals opinion. *Northern Kentucky Water Dist. v. Pub. Serv. Comm’n*, No. 2010-SC-0017-D (Ky. Mar. 16, 2011). NKWD apparently interprets its action for review as staying the operation of our Order of July 12, 2006 until the entry of the Kentucky Supreme Court’s Order of March 16, 2011 and that the revised tariff sheets must be filed April 15, 2011. While this interpretation conflicts with KRS 278.390, we found no useful purpose to be served by seeking enforcement of our Order pending NKWD’s appeal.

By the Commission



ATTEST:

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Executive Director

Case No. 2004-00309

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